

FILED BY EFSWEB

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**
-- PATENT APPLICATION --

Inventors	Hensley and Davidson	Docket No.:	33205.0217
Serial No.:	10/722,811	Group Art Unit:	1616
Filed:	November 25, 2003	Examiner	Pak, John D.
Title:	COMPOSITION FOR DELIVERY TO THE NASAL MEMBRANE AND METHOD OF USING SAME		Confirmation No. 8179

TERMINAL DISCLAIMER IN ACCORDANCE
WITH 37 C.F.R. § 1.321(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Zicam, LLC, is the sole owner of the instant application, the same as the owner of United States Patent No. 6,673,835, and copending Application Nos. 11/781,396; 11/748,668; 11/748,653; and 11/749,111. Zicam, LLC, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend it beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,673,835 and patents that issue on Application Nos. 11/781,396; 11/748,668; 11/748,653; and 11/749,111. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Applicants authorize and respectfully request that the requisite petition fee of \$130 be charged to Deposit Account No. 19-2814. Any additional fees due, or any overpayment should be credited/charged to this deposit account number.

CONCLUSION

As Applicants' attorney of record, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 7/30/08

By: 
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